

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

PROPOSED TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS DIVISION 2, CHAPTER 1 ARTICLE 3
AMEND SECTIONS 615 THROUGH 619.1, ADOPT SECTION 619.2;
DIVISION 2, CHAPTER 6, ARTICLE 5.
AMEND TITLE

FLEET OWNER INSPECTION AND MAINTENANCE STATIONS (CHP-R-03-07)

Existing text:Times New Roman 12 point font.

Additions:Times New Roman 12 point font with single underline.

Deletions:~~Times New Roman 12 point font with strikethrough~~

(1) Section 615 is amended to read as follows:

615. Scope.

This article shall apply to licenses enabling fleet owners to:

(a) Operate inspection and maintenance stations to certify their vehicles in compliance with applicable provisions of:

(1) This title

(2) The Vehicle Code

(3) Parts 393 and 396 of Title 49, Code of Federal Regulations ~~U.S. Department of Transportation regulations~~ if the vehicles are engaged in interstate commerce.

(b) Display ~~official~~ Inspection and Maintenance Station stickers on their vehicles as evidence of certification.

NOTE: Authority cited: Sections 2402, ~~2402.5~~, 2525.2, 2525.8, ~~2807, 2807.1, 2807.2, 2808, 31401, 31540, 34501, 34501.5, 34508~~, Vehicle Code and ~~Section 39831, Education Code~~. Reference: Sections 2501, 2525, 2525.2, 2525.4, 2525.6, 2525.8, 2525.12, 2807, 2807.1, 2807.2, 2808, 31401, 31403, 31540, 34501, 34501.5, 34508, Vehicle Code and Section 39831, Education Code.

(2) Section 615.1 is amended to read as follows:

615.1. Definitions.

The following definitions shall apply for the purposes of this article:

(a) *Department.* The Department of the California Highway Patrol.

~~(a)~~ (b) *Fleet Owner.* ~~"Fleet owner" is a~~ A person who owns three or more vehicles of any type specified in Section 34500 of the Vehicle Code, who is engaged in the transportation of persons or property, and whose ~~has his~~ vehicles are registered in California.

~~(b) *Vehicle.* A "vehicle" is one of a fleet of vehicles registered in California by a fleet owner.~~

~~(c) *Fleet Owner Inspection and Maintenance Station -- IMS.* A "fleet owner inspection and maintenance station" is a~~ vehicle maintenance facility located in California, operated by a fleet owner and licensed by the department to:

(1) e Certify, in accordance with following subsection (d), that the fleet owner's vehicles inspected and maintained on at its IMS premises-terminal comply with all applicable requirements.

(2) Certify correction of violations indicated on enforcement documents pertaining to the fleet owner's vehicles.

~~(d) *Inspection and Maintenance Station Sticker -- IMS Sticker.* A "sticker" is a~~ distinctive label issued by the department to fleet owners, who may affix it to a station-inspected vehicle to attest that the vehicle is regularly maintained in compliance with all applicable laws and regulations.

(e) *Journey-level Mechanic.* A mechanic who has completed an apprenticeship program approved by the Administration of Apprenticeship, Division of Apprenticeship Standards, California Department of Industrial Relations applicable to the size and type of vehicles being maintained (e.g., truck, bus) at the licensed station, or can attest to having equivalent work experience.

(f) *IMS License.* The departmentally-issued form CHP 360F, entitled "Fleet Owner Inspection and Maintenance Station License."

(g) Safety Compliance Rating. The combined overall terminal safety compliance rating assigned to the terminal by the department pursuant to Section 1233 of this title.

~~(e)~~ (h) Superintendent of Maintenance. A "~~superintendent of maintenance~~" is a regularly employed station supervisor ~~of~~ with experience and demonstrated ability who is responsible for the inspection and maintenance of a fleet owner's vehicles. In ~~his~~ the superintendent's absence, the next ranking employee, ~~if who is a journey-level journeyman truck mechanic~~, may assume the duties and responsibilities assigned by this article to the regular superintendent.

~~(f) Journeyman Truck Mechanic.~~ A "~~journeyman truck mechanic~~" is a mechanic who has ~~completed an apprenticeship program approved by the Administration of Apprenticeship, Division of Apprenticeship Standards, California Department of Industrial Relations, or can attest to having equivalent work experience.~~

(i) Terminal Inspection. The activity, as referenced in Section 1202(a) of this title, where compliance is determined, and safety compliance ratings are assigned. Safety compliance ratings are assigned in the categories of: Maintenance Program; Driver Records; Regulated Equipment; Hazardous Materials (when applicable); and a combined overall rating, which is the safety compliance rating.

(j) Vehicle. Any vehicle specified in Section 34500 of the Vehicle Code registered in California to a fleet owner.

NOTE: Authority cited: Sections 2525.2 and 2525.8, Vehicle Code. Reference: Sections 2525-2525.12, Vehicle Code.

(3) Section 616 is amended to read as follows:

616. Qualifications for License.

Licenses shall be issued only to stations that meet all the qualifications prescribed in this article.

(a) ~~Each fleet owner inspection and maintenance station~~ IMS shall be equipped to inspect, service, and repair vehicles and related components and equipment as required by laws and regulations related to the safe operation of such vehicles.

~~(a)~~ (b) *Code Publications*. Each station shall maintain, readily accessible to the superintendent of maintenance, at least one current copy of the California Vehicle Code; Chapter 2, Title 13, California ~~Administrative Code of Regulations~~; and if the fleet is engaged in interstate transportation, Parts 393 and 396 of Title 49, Chapter 3, Parts 390 through 397 of the Code of Federal Regulations.

~~(b)~~ (c) *Handbooks and Bulletins*. Each station shall maintain in current status and available to the superintendent of maintenance all appropriate publications issued by the department and by manufacturers, including handbooks, bulletins, manuals, and instructions related to maintaining the safe condition of vehicles, vehicle components, and auxiliary equipment.

(d) Copies of the laws, regulations, handbooks and other publications required by this article may be maintained in either printed or electronic form (including via the Internet) provided the superintendent of maintenance can demonstrate his/her ability to readily access the applicable requirements and vehicle maintenance publications.

Internet Access: Federal Motor Carrier Safety Regulations contained in Title 49, Code of Federal Regulations, Parts 393 and 396 and regulatory guidance documents may be accessed through the Federal Motor Carrier Safety Administration's web site at "<http://www.fmcsa.dot.gov/rulesregs/fmcsr/fmcsrguide.htm>." The California Vehicle Code may be accessed through the California Department of Motor Vehicles' web site at "<http://www.dmv.ca.gov/pubs/vctop/vc/vctoc.htm>." Title 13, California Code of Regulations may be accessed through the Office of Administrative Law's web site at "<http://ccr.oal.ca.gov/>." Copies of the National Highway Transportation Safety Administration's recall notices and technical service bulletins may be accessed through that agency's web site at "<http://www.nhtsa.dot.gov/>."

~~(e)~~ (e) *Personnel*. At least one full-time journey-level journeyman-truck mechanic, as defined in ~~Section 615.1(f) of this title~~, shall be regularly employed in each station.

~~(d)~~ (f) *Inspection and Maintenance Program.* Systematic inspection and maintenance of vehicles, and records of such inspection and maintenance, shall comply with the provisions of applicable parts of Sections 1232 and 1234 of this title and, if vehicles are engaged in interstate transportation, the applicable requirements of Parts 393 and 396 of Title 49, Code of Federal Regulations ~~the United States Department of Transportation.~~

(g) *Compliance History.* Each licensed IMS shall have an adequate preventive maintenance program, as evidenced by three consecutive terminal inspections with “satisfactory” ratings in the Maintenance Program category, and the terminal's most recent overall safety compliance rating shall be “satisfactory.” The terminal inspection referenced in Subsection 617(c) may be counted as one of these ratings.

NOTE: Authority cited: Sections 2402, 2501, 2502, 2525.2, Vehicle Code. Reference: Sections 2402, 2500, 2501, 2502, 2503, 2525.2-2525.10.

(4) Section 617 is amended to read as follows:

617. Procedures for Licensing.

~~Fleet owner inspection and maintenance station licenses~~ IMS licenses shall be issued in accordance with the following procedures:

(a) *Qualified Applicant.* ~~Station licenses~~ An IMS license shall be issued only to a fleet owner, as defined in Section 615.1 of this title, and a separate license is required for each station.

(b) *Application Forms and Fee.* Fleet owners shall ~~request station~~ apply for IMS licenses on the application forms CHP 361M (Rev. 02-00), herein incorporated by reference, furnished by the department. Each application shall be accompanied by the appropriate fee as prescribed in Section 2502 of the Vehicle Code. Licenses ~~must be renewed annually~~ expire one year from the last day of the month in which they were issued.

(c) *Inspection.* Applicants must receive a terminal inspection, within sixty days of the date of application, by an authorized representative of the department verifying compliance with statutory and regulatory requirements and endorsing the application recommending issuance of the license.

~~(c) Initial License or Change of Ownership—\$10 Fee. Licenses will be issued only for stations that meet all the qualifications prescribed in this article. "Change of ownership" means any change in legal ownership of the licensed business, including addition or deletion of a partner, transfer of ownership between members of a family, or disposal of one business in favor of a similar business at a different location.~~

~~(d) Renewal of License—\$5 Fee. Application for annual renewal shall be made in accordance with the provisions of Sections 2501 and 2502 of the Vehicle Code.~~

~~(e) Duplicate License—\$2 Fee. If a station license is lost, destroyed, or mutilated, application may be made for a duplicate.~~

~~(f)~~ (d) *Replacement License*--No Charge. In the event of a change of terminal address, the license shall be returned to the department with an application for an updated replacement. "Change of address" means any relocation of a licensed business not involving a change of ownership, and any change in the mailing address, including street renumbering.

NOTE: Authority cited: Sections 2505 and 2525.2, Vehicle Code. Reference: Sections 2501, 2502, 2505, 2525-2525.12, Vehicle Code.

(5) Section 618 is amended to read as follows:

618. ~~Issuance, Cancellation, or Surrender of License.~~

~~The issuance, cancellation, or surrender of a fleet inspection and maintenance station license is subject to the following provisions:~~

~~(a) Denial, Suspension, or Revocation. The department may refuse to issue a station license to an applicant or may suspend or revoke a license in accordance with the provisions of Sections 2540 through 2548 of the Vehicle Code.~~

~~(b) Surrender of License. A station license shall be surrendered under the following conditions:~~

(1) Mandatory.

(A) A station that does not have a journey-level journeyman-truck mechanic in its employ shall immediately cease to operate as an official station, and unless it employs a journey-level journeyman-truck mechanic within 60 days, shall surrender the ~~official station~~ IMS license to the department. ~~(2)~~ Surrender of a license shall not ~~deprive~~ prevent the department of ~~jurisdiction~~ from carrying out investigative or disciplinary proceedings against the licensee or rendering a decision suspending or revoking such license.

(B) Assumption. A motor carrier who is a current IMS licensee shall immediately surrender each IMS license to the department upon assumption by another carrier pursuant to subdivision (a)(2) of Section 34501.12 of the Vehicle Code.

(C) Consolidation. A station shall immediately surrender the IMS license to the department upon consolidation of that station with any other terminal pursuant to subdivision (b) of Section 34501.12 of the Vehicle Code, unless the IMS licensed facility is the designated terminal for the departmental inspection specified in Subdivision (d) of that section.

(2) Voluntary. A station may voluntarily surrender the license at any time without cause.

~~(e)(b)~~ Return of Forms. ~~All forms, stickers, and supplies~~ The current IMS license and all unused IMS stickers issued by the department shall be returned to the department when the ~~official station~~ IMS license is surrendered, suspended, or revoked, or is allowed to expire. The purchase price of the IMS stickers is not refundable.

(c) Submittal of Registers. In the event the station ceases operation as a licensed facility, the licensee shall submit the original or a legible, non-fading copy of the enforcement document clearance register and IMS sticker register to the Department of the California Highway Patrol, Commercial Vehicle Section - 062, Post Office Box 942898, Sacramento, CA 94298-0001, postmarked within 14 days of the date the station ceases operation.

NOTE: Authority cited: Section 2525.2, Vehicle Code. Reference: Sections 2525-2525.12 and 2540-2548, Vehicle Code.

(6) Section 619 is amended to read as follows:

619. Station Operation.

Operation of a fleet inspection and maintenance station shall be subject to the following requirements:

(a) *Geographic Location.* A fleet owner is required to obtain a separate license for each station ~~he operates~~ operated.

(b) *Display of Station License.* An ~~official station~~ IMS license shall be placed under glass or other transparent cover, and prominently displayed in the station: where it may be inspected by any authorized employee of the department.

(c) *Care of equipment.* All adjusting, servicing, and testing equipment necessary to the safe operation of a vehicle and clearance of enforcement documents shall be maintained in good condition and shall be kept in calibration or adjustment in accordance with manufacturer's instructions and recommendations.

(d) *Clearance of Enforcement Documents.* (1) The superintendent of maintenance shall verify that vehicle equipment and component defects indicated on an enforcement document are corrected, and shall certify on the document that the fleet owner's vehicle is clear of such violations. Certification shall include date of correction, station license number, and authorized signature. As used in the subdivision, "equipment and component defects" does not include vehicle registration violations.

(2) Enforcement Document Clearance Register. The superintendent of maintenance shall maintain a legible enforcement document clearance register to record all violations cleared pursuant to this article.

(A) The clearance register entries shall indicate the following:

(1) Name of the department that issued the enforcement document;

(2) Document number, and issue date;

(3) Issuing officer's identification (badge) number;

(4) Vehicle license or vehicle manufacturer's identification number (last 6 digits);

(5) Each code violation cleared listed by section number;

(6) Date of clearance; and

(7) Name of the authorized person certifying clearance.

(B) The station shall maintain, at a minimum, the enforcement document register at the facility for the current calendar year plus the two preceding years.

(e) List of authorized personnel. The licensee shall provide the department with a list including the names and signatures of the superintendent of maintenance, and any alternates who have been authorized to certify correction of violations indicated on enforcement documents. The licensee shall notify the department in writing, within 14 days, of any changes of the listed personnel and the dates on which the changes occurred. No person shall certify clearance of any enforcement document whose name and signature is not on file with the department prior to the certification.

~~(e) (f) IMS Vehicle Inspection Stickers.~~ The acquisition and use of IMS stickers by fleet owners shall be in accordance with the following:

(1) IMS S-stickers ~~may~~ shall be purchased from the Department of the California Highway Patrol, Accounting Section, either by mail addressed to Post Office Box 942898, Sacramento, CA 94298-0001, or in person at ~~2555 First Avenue,~~ 860 Stillwater Road, Suite 310, West Sacramento. IMS S stickers cost ~~25 cents~~ 75 cents each. Payment in full is required at the time of purchase, and no portion is refundable.

(2) A licensed station shall not use, sell, transfer, or otherwise dispose of IMS stickers except as permitted by this article, and reasonable security shall be instituted to prevent theft or misuse of IMS stickers.

(3) At the direction of the superintendent of maintenance, IMS stickers may be affixed only to vehicles belonging to the fleet of the owner, routinely inspected and maintained at a licensed IMS facility of the fleet owner and complying with all applicable equipment provisions of the California Vehicle Code; the California Code of Regulations; and if engaged in interstate transportation, Parts 393 and 396 of Title 49, ~~chapter 1, parts 390 through 397,~~ Code of Federal Regulations.

(4) The month and year of affixing an IMS sticker to a vehicle shall be shown by removing more than half of that month and year on the sticker. (See Figure 1.) An IMS sticker is valid for one year following the earliest month and year deleted from the sticker.

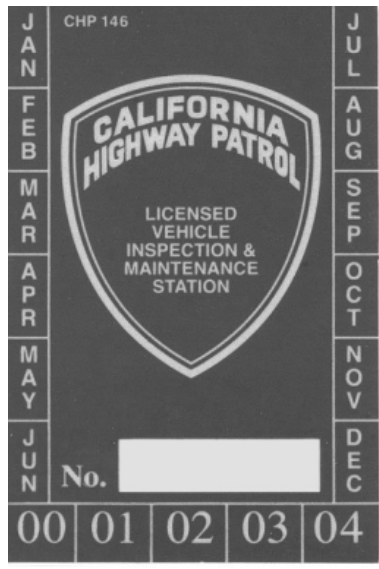


Figure 1

(5) ~~IMS S~~ stickers shall be affixed to vehicles only if brakes, ~~components required lamps,~~ steering, suspension, tires, wheels, connecting devices, and other mechanical equipment related to safe operation are in good working order.

(6) On motor vehicles, IMS stickers shall be displayed in a 7-inch square in the right lower corner of the windshield farthest removed from the driver or on the right door as near as practical to the leading edge of the door immediately below the window.

(7) On trailing units (dollies excepted), IMS stickers shall be applied on the right side near the front, where they will be plainly visible and protected from scuffing.

(8) On dollies, IMS stickers shall be applied to the right side and center of the drawbar or other comparable location.

(9) On subsequent inspection of a vehicle the superseded IMS sticker shall be removed ~~or shall be covered by the new sticker.~~

(10) Each ~~fleet station~~ IMS shall maintain a current register showing in sequential order the full serial number of each IMS sticker issued ~~to it,~~ month and year of affixing the IMS sticker to a vehicle, and make, type, and license number of the vehicle. The station shall maintain the IMS sticker register at that facility for the current calendar year plus the two preceding years.

~~(f)~~ (g) *Disposal of Invalidated ~~Inspection~~ IMS Stickers.* Disposal of ~~vehicle inspection~~ IMS stickers, which for any reason are no longer valid or current shall be subject to the following provisions:

(1) An IMS sticker shall be removed from or otherwise obliterated on any vehicle that no longer constitutes a part of the fleet inspected and maintained at an ~~official station~~ IMS.

(2) Unused IMS stickers that are no longer current shall be destroyed ~~and deleted from the sticker register~~; and the date and method of destruction shall be noted in the register, with a notation of the serial numbers of the destroyed stickers. The notation may consist of a range of numbers indicated by the beginning and ending sticker number if all of the intermediate stickers were destroyed.

NOTE: Authority cited: Sections 2525.2, ~~and~~ 2525.8 and 40616, Vehicle Code. Reference: Sections 2525-2525.12 and 40616, Vehicle Code.

(7) Section 619.1 is amended to read as follows:

619.1. Inspection by Department.

Fleet owners shall permit authorized representatives of the department reasonable opportunity to enter their ~~vehicle inspection and maintenance stations~~ IMS terminals to inspect facilities, vehicles, and pertinent records and to determine compliance with these regulations.

NOTE: Authority cited: Section 2525.2, Vehicle Code. Reference: Sections 2525-2525.12, Vehicle Code.

(8) Section 619.2 is added to read as follows:

619. 2 Exemptions.

(a) *Exemption Authority.* The Commissioner may grant exemptions from any of the requirements of this article when, in the Commissioner's judgment, requests appear reasonable, or the results intended by these regulations can be accomplished by alternate methods of compliance. However, no exemption will be granted if, in the opinion of the Commissioner, the exemption would compromise the safety requirements of these regulations. In addition, any exemption granted by the Commissioner is non-transferable and may be rescinded at any time for cause.

(b) Application for Exemption. An application for exemption shall be made in writing to the Commissioner, and it shall include the following data:

1. Reason for requesting an exemption,
2. Alternate method(s) of demonstrating compliance with the requirements of this article.
3. The application shall be mailed to:

CALIFORNIA HIGHWAY PATROL
ENFORCEMENT SERVICES DIVISION
POST OFFICE BOX 942898
SACRAMENTO, CA 94298-0001

NOTE: Authority cited: Section 2525.2, Vehicle Code. Reference: Sections 2525-2525.12, Vehicle Code.

(9) The title of Article 5 is amended to read as follows:

Article 5. ~~Fleet Owner Inspection and Maintenance Stations~~ [Reserved]

NOTE: Authority cited: Sections 2402 and 2525.2 Vehicle Code. Reference: Sections 2501, 2525, 2525.2, 2525.4, 2525.6, 2525.8, 2525.10 and 2525.12, Vehicle Code.